(*b*) has any interview been made and if so, when;

(*c*) when was the intimation despatched from the Secretariat intimating the candidates to appear before the Selection Board;

(*d*) has any complaint from any of the candidates been received that he received the intimation only after the selection date;

(*e*) what action has been taken in the matter;

(*f*) will the Government be pleased to place the copy of the complaint and the orders passed thereon on the Council table?

Mr. Parambi Lonappen *(Minister for Revenue):*

(*a*) 29. Of these only 25 applications were received in time, *i. e.*, till 5th July 1947 according to the Notification dated 20th June 1947 published in the Cochin Government Gazette and local dailies.

(*b*) Yes. On Monday, 14th July 1947 at 4 p.m. at the Guest House, Trichur.

(*c*) On 9th July 1947.

(*d*) No.

(*e*) and (*f*) No answer is necessary in view of the answer to (*d*).

2. RULING FROM THE CHAIR REGARDING ADJOURNMENT MOTIONS

Mr. President: About the adjournment motions, by Mr. Dhara Singh and Mr. Koder, it seems to me it is a matter of some public importance and some urgency but it is not of such importance as to justify the breaking through of the normal business of the House and therefore the motions are out of order.

Then with regard to the adjournment motions from Mr. P. Govinda Menon I give the following ruling.

The adjournment motion is in respect of the action of the Government in disallowing certain resolutions admitted by me. The Government have done this under rule 41 (*a*) of the Legislative Council Rules read with section 6 (5) of the Government of Cochin Act. By this rule the discretionary power is vested in the Government to disallow a resolution on the ground that its discussion would be detrimental to public interest. The Hon'ble sponsor of the adjournment motion has stated that the purpose of the motion is not to question the authority of the Government but to censure them for not having used properly the discretion vested in them by rule 41 (*a*). Rule 41 (*a*) may or may not be a sound one but so long as the rule exists the Government have the discretion to allow a resolution on the ground of its being detrimental to public interests. Now, the issue here is whether the manner in which a statutory discretion was exercised by the Government could form the subject matter of an adjournment motion. The issue before me to-day is on a par with the issues on this matter considered and decided upon both in the British House of Commons and in the Central Legislative Assembly. It has long been an accepted dictum in the British House of Commons that when the Ministry exercises the discretion vested in it under a statutory power the action cannot be the subject matter of an adjournment motion. This does not of course preclude a legislature from criticising the action of the Government by means other than an adjournment motion. Within the House there are other ways open to do so. As long ago as 1924 and 1926 such adjournment motions have been disallowed by the speaker of the House of Commons and ever since that time the principle has been followed in the British Parliament. In the Central Legislative Assembly the Governor-General had the discretionary power to disallow resolutions on the ground of detriment to public interest. The adjournment motions tabled of course, not to question, the authority of the Governor-General to do so but to criticise his action in exercising his discretion had been disallowed on those occasions. It may be contended that this was under the old regime and things have changed now; but this contention cannot at any rate be raised against the decision made in the British House of Commons where it is still respected and followed. If there are persons who think that rule 41 (*a*) is not a sound one and entertain the apprehension that it gives opportunities to Government to stifle legitimate discussions upon matters of urgent public importance, the proper course would be to see that the rule is suitably amended if it is desirable to do so. But as long as the rule stands, the decisions and precedents made in respect of its interpretations and its implementations will have to be followed. For these reasons I rule that the motion is out of order.

3. LEGISLATIVE BUSINESS—GOVERNMENT BILLS

1. The Cochin Public Health Bill

Mr. K. Balakrishna Menon *(Minister for Food and Education):* Sir, I beg leave to present the report of the Select Committee on the Cochin Public Health Bill and move that the bill as modified by the Select Committee be taken into consideration.

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*Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I object to both the motions under two different standing orders being made simultaneously. I heard the Hon'ble Minister for Public Health saying that he presents the Report of the Select Committee and also moves to have the bill as reported by the Select Committee considered.

Mr. President: That is under what standing order ?

Mr. P. Kumaran Ezhuthassan *(Vadakkaheri)*: S. O. 35 applies to the presentation of the report of the Select Committee and the standing order next following No. 36 relates to the motion for consideration of the Bill as reported by the Select Committee. But the one under 35 is not a motion. It is a process.....

Mr. President: Standing Order 36 runs thus:"aftert he presentation of the final report of the Select Committee on a Bill the member in charge may move that the Bill as reported by the Select Committee be taken into consideration....". What is it now the Hon'ble Member wants to urge?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: What I urge is that the Hon'ble Minister may please strictly follow the standing order 35 after that is done and if he wishes to make any remarks confining himself to a statement of facts probably succintly referring to the changes that have been made by the Committee in their labours for two years, he can resume his seat and any other member who wants to make an observation on that is at liberty under the precedents followed in other legislature to do it and after that is done the presentation is over and then we move on to the next stage. After the Select Committee report is presented the motion can be made to take it into consideration. I submit, Sir, without any further comments that may be so done. If the inclination swings the other way, I submit, Sir, I may be able to expatiate upon my point stating authorities of precedents in other places and then convince the House that it has to be done and cannot be done in any other way. I believe the Government of the day will have wisdom in them.

Mr. P. Govinda Menon *(Ernakulam)*: Has the Hon'ble Minister for Food and Education moved that the Bill as reported by the Select Committee be taken into consideration?

Raho Bahadur T. K. Nayar *(Prime Minister)*: That was done.

Mr. P. Govinda Menon *(Ernakulam)*: Under standing order 37 I object to the Bill being considered now for want of notice.

Mr. K. Balakrishna Menon *(Minister for Food and Education)*: It may as well be confined to the first part. I would accept the objection of my friend Mr. Ezhuthassan and I will confine to the first part. I beg leave to present the report of the Select Committee on the Public Health Bill.

Rao Bahadur T. K. Nayar *(Prime Minister)*: I second it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: They will again bring it—is that the position?

Rao Bahadur T. K. Nayar *(Prime Minister)*: We received some representations that the members had only a few days notice about this and we have absolutely no objection to postpone consideration. We will have it in the next meeting.

Mr. President: The stage under S. O. 36 is over.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: The stage under S. O. 35 is over.

Mr. President: Then we come to the stage under S. O. 37.

Mr. P. Govinda Menon *(Ernakulam)*: I understand that he is not moving for the consideration of the Bill.

Mr. K. Balariskhna Menon *(Minister for Food and Education)*: No, Sir, I am not moving.

Mr. President: What is the conclusion of the House.

Mr. P. Govinda Menon *(Ernakulam)*: The member in charge will give notice later to move for consideration of the Bill.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I would submit, with reference to the leader of the opposition, what was done at the time when an identical bill was before the Madras Assembly, when there was some similar dispute what I would urge the Government, request the Government to do this rather than accept the suggestion.....

Mr. P. Govinda Menon *(Ernakulam)*: They have accepted.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: They have not Sir, I am putting a very serious question for the consideration of the leader of the opposition, as well as other

*Speech not corrected by the Hon'ble Member.

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Hon'ble Members of the House. Please listen and you will agree with me. In stead of giving the suggestion to the Government that they may give fresh notice, I am not going to leave the discretion to them because of the importance of the bill, although the member in charge of the bill has got right to drop, which, of course, come later in the next item, drop or not drop, continue or not continue, but I am not going to allow them, under the standing orders to let them to do so. I want the Government to be confined to the position that the consideration will be moved on a particu'ar date as was done in the Madras Assembly when in 1939 this was there. That is it may be decided now. That is my suggestion or a motion that the consideration of this bill be moved at the next meeting, the next earliest meeting, which I believe will not be that side of two months.

Mr. P. Govinda Menon (*Ernakulam*): I second that.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Thank you.

Mr. K. Balakrishna Menon *(Minister for Food and Education)*: I will move it in the next meeting of the Council.

(2) The Cochin Criminal Law (Amendment) Bill.

Mr. P. Govinda Menon *(Ernakulam)*: Before that matter is taken up for consideration I would like to have some information for our guidance for participating in this discussion. The Cochin Criminal Law Amendment Bill is a bill seeking to empower Government with certain extra-ordinary powers. To empower the Ministry with certain extra-ordinary powers (hear-hear). The previous Ministry came before this House with the proposition that on account of cer, tain situation and on account of certain circumstances it is necessary to have these powers. A bill like this is for the purpose of my point almost like a financial Bill. Government may feel that they want money. If they want money they must say that they want money, and move a bill for taxing the people. In the same way if the Government want powers, if the Ministry wants powers, they must say that they want powers and explain to the House that they want those powers and if that statement is made that the Ministry want powers and explain the reasons why they want those powers to the House, the opposition has got two courses to follow. The opposition may either refuse to give those powers to the Ministry (hear, hear) or may keep an open mind and say that they are satisfied with the case put forward and give those powers. In this particular case there has been a very interesting situation.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Rather distressing.

Mr. P. Govinda Menon *(Ernakulam)*: Rather distressing to some people. When the present Ministry was formed there were published reports that one of the conditions under which this Ministry was formed was that the Criminal Law Amendment, Bill will be dropped.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Not only thati Sir, some-thing more.

Mr. P. Govinda Menon *(Ernakulam)*: There were other condit ons which are known well to the Honble Member. It was freely published in the press that one of the conditions under which the Ministry was formed and one of the conditions under which especially my esteemed friend the Honble Minister for Food and Education joined the Ministry was that the Criminal Law Amendment Bill will not be moved. I do not want to mention names. In the Malabar Mail for example which usually gives very intimate details about the Ministry and its actions it was categorically stated that this was one of the conditions upon which the Ministry was formed. I am reminded by my friend on my right that other papers also published that report and these reports went un-contradicted. Influential members associated with the Ministry have openly told me that it is one of the conditions upon which the Ministry was formed. The floor leader of the Ministeralist party Mr. Kumaran Ezhuthassan.....

Mr. P. Kumaran Ezhuthassan *(Vadakancheri)*: No Sir, I take objection to that unwanted, undesirable place being given to me. I am not that. I am only a humble supporter of the Ministry as it stands to-day.

Mr. P. Govinda Menon *(Ernakulam)*: Unless the Ministry tells us what their position is, whether the Ministry wants this bill and whether the party which has installed this Ministry in office — and I understand that almost all the members of the House excluding the Prajamandal Party and the Socialist Party are supporting this Ministry — wants this bill, if for example the Ministry does not want this and if the persons who treat this Ministry as their Ministry do not want this bill, we are not going to vote for the bill. On the other hand if they say, they want the bill, and explain the circumstances under which they want this bill we keep an open mind and are prepared to vote according to it. One more point, Sir, I understand that Mr. Balakrishna Menon while in the opposition and I understand my esteemed friend Mr. Lonappen

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